

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-325 Erie
)	
VICTORY ENERGY OPERATIONS)	Judge Sean J. McLaughlin
LLC,)	
)	
Defendant)	JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of February, 2006, the Defendant's Motion for Partial Summary Judgment is granted, and Summary Judgment is entered in favor of Defendant, Victory Energy Operations LLC and against Plaintiff, Indeck Keystone Energy LLC on Plaintiff's Complaint and Count I of Victory Energy's Second Amended Complaint, and the Court declares as follows:.

1) that VEO did not breach the License Agreement by designing, manufacturing, marketing and selling boilers that incorporated membrane furnace and convection side walls and water-cooled front and rear walls;

2) that VEO did not breach the License Agreement by designing, manufacturing and selling boilers that differed from the specific parameters set forth in Annex I of the License Agreement.

Sean J. McLaughlin
United States District Judge